



COOK COUNTY BUREAU OF HUMAN RESOURCES

**POLICY TITLE: VICTIMS' ECONOMIC SECURITY AND SAFETY ACT
POLICY**

Approved: December 29 , 2021

Effective: May 3, 2018

**Revised Effective: January 3,
2022**

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A. OVERVIEW

The Illinois Victims' Economic Security and Safety Act ("VESSA"), 820 ILCS 180, et seq., provides that leave may be granted to, and reasonable accommodations may be made for, employees who are victims of domestic, sexual or gender violence, or any other crime of violence to maintain financial independence necessary to leave abusive situations and to protect the civil and economic rights of such employees, or their family or household member who is a victim of domestic, sexual or gender violence, or any other crime of violence.

Cook County ("County") provides unpaid, job-protected VESSA leave, for up to twelve (12) weeks in a twelve (12) month period, to eligible employees who have complied with the applicable requirements. With respect to the terms, conditions, or privileges of employment, Cook County additionally provides reasonable accommodations to the known limitations resulting from circumstances relating to being, or having a family or household member that is, a victim of domestic, sexual, or gender violence, or any other crime of violence.

B. PURPOSE

This policy provides procedures to be followed when taking leave and/or requesting a reasonable accommodation pursuant to VESSA.

C. INTENT

This policy is intended to be interpreted consistent with and subject to applicable law. It supersedes all previous policies and/or memoranda that may have been issued from time to time on subjects covered in this policy. This policy is not intended to supersede or limit the County from enforcing provisions in any applicable collective bargaining agreement. Should any provision in this policy conflict with a specific provision in the Personnel Rules, the provision(s) in this policy shall take precedence.

D. SEVERABILITY

If any section or provision of this document should be held invalid by operation of law, none of the remainder shall be affected.

E. JURISDICTION

The Bureau of Human Resources ("BHR") is authorized to develop and issue policies for the effective management of Cook County employees, pursuant to Section 44-45 of the Cook County Code of Ordinances.

F. AREAS AFFECTED



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This policy applies to all Cook County employees in Departments in the Offices under the President and/or covered by the Cook County Employment Plan.

G. NONDISCRIMINATION

Cook County prohibits the discriminatory application, implementation, or enforcement of any provision of this policy on the basis of race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity or housing status, or any other protected category established by law, statute or ordinance..

H. EMPLOYEE AND MANAGEMENT RESPONSIBILITIES

The County's BHR Leave Manager (or Designee) will monitor County practices to ensure compliance with, and answer questions concerning, the information presented in this policy. Contact information for the BHR Leave Manager and additional Human Resources personnel can be found on BHR's website and/or the County's Policy Library. If a department Manager/Supervisor acquires knowledge that an employee's absence may be for a VESSA- qualifying reason, he or she should immediately notify the BHR Leave Manager. Department Heads (or Designees) are responsible for complying with all leave authorizations issued by BHR.

I. DEFINITIONS

For the purpose of this policy the following words, terms and phrases, shall have the following meanings:

Abuse – physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.

Crime of Violence - any conduct proscribed by Articles 9, 11, 12, 26.5, 29D, and 33A of the Criminal Code of 2012 or a similar provision of the Criminal Code of 1961, in addition to conduct proscribed by Articles of the Criminal Code of 2012 referenced in other definitions in 820 ILCS 180/10.

Domestic violence – abuse (as defined above) by a family or household member, as defined in Section 103 of the Illinois Domestic Violence Act of 1986.

Family or household member - a spouse or party to a civil union, parent, grandparent, child, grandchild, sibling or any other person related by blood or by present or prior marriage



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or civil union, other person who shares a relationship through a child, or any other individual whose close association with the employee is the equivalent of a family relationship as determined by the employee, and persons jointly residing in the same household.

Gender Violence – one or more acts of violence or aggression satisfying the elements of any criminal offense under the laws of this State that are committed, at least in part, on the basis of a person's actual or perceived sex or gender regardless of whether the acts resulted in criminal charges, prosecution, or conviction; physical intrusion or physical invasion of a sexual nature under coercive conditions satisfying the elements of any criminal offense under the laws of this State, regardless of whether the intrusion or invasion resulted in criminal charges, prosecution, or conviction; or a threat of an act described previously causing realistic apprehension that the originator of the threat will commit the act.

Perpetrator – an individual who commits or is alleged to have committed any act or threat of domestic, sexual or gender violence, or any other crime of violence.

Sexual Violence - any conduct that amounts to sexual assault as proscribed by (i) Article 11 of the Criminal Code of 2012 except Sections 11-35 and 11-45; (ii) Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 2012; or (iii) a similar provision of the Criminal Code of 1961.

Son or daughter - a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or is 18 years of age or older and incapable of self-care because of a mental or physical disability.

Stalking - any conduct proscribed by the Criminal Code of 1961 or the Criminal Code of 2012 in Sections 12-7.3, 12-7.4, and 12-7.5.

Victim - an individual who has been subjected to domestic, sexual or gender violence, or any other crime of violence. "Victim" also includes any person described as a victim, as defined under Section 2 of the Crime Victims Compensation Act.

J. POLICY AND PROCEDURES – VESSA LEAVE

Cook County provides unpaid, job-protected VESSA leave, for up to twelve (12) weeks in a twelve (12) month period, to eligible employees who have complied with the applicable requirements.

1. ELIGIBILITY

A County employee who is a victim of domestic, sexual, or gender violence, or any other crime of violence or an employee who has a family or household member who is a victim of domestic, sexual or gender violence, or any other crime of violence



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whose interests are not adverse to the employee as it relates to the domestic, sexual or gender violence, or any other crime of violence may be eligible to take VESSA leave from the first day of employment if the employee or employee's family or household member is experiencing an incident of domestic, sexual or gender violence, or any other crime of violence, or to address domestic, sexual or gender violence, or any other crime of violence as provided in Section J(2) of this policy.

2. BASIS

County employees may request VESSA leave for the following reasons related to domestic, sexual, gender violence, or any other crime of violence:

- a. To seek medical attention for, or recover from, physical or psychological injuries caused by domestic, sexual, or gender violence, or any other crime of violence to the employee or employee's family or household member;
- b. To obtain victim's services, psychological or other counseling, legal assistance or remedies, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic, sexual, or gender violence, or any other crime of violence, for the employee or employee's family or household member; or
- c. To prepare a safety plan, temporarily or permanently relocate, or take other actions to ensure the health, increase safety from future domestic, sexual, or gender violence, or any other crime of violence, or ensure economic security, of the employee or employee's family or household member.
- d. To seek legal assistance including preparing for or participating in any civil or criminal proceeding related to or derived from domestic, sexual or gender violence, or any other crime of violence, for the employee or employee's family or household member.

3. CONDITIONS

- a. VESSA leave may be taken consecutively in a block of time, on an intermittent basis, or in the form of a reduced work schedule.
- b. Employees on VESSA leave are expected to be reasonably responsive to the BHR Leave Manager, their Supervisor and/or Department Head during the leave.
- c. Employees on VESSA leave shall continue to pay the employee's and/or



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dependents' portion of insurance benefit premiums to continue health coverage during the leave.

- d. Employees on VESSA leave may use accrued paid time off during the leave, in accordance with the County's Time and Attendance Policy.
- e. Employees utilizing accrued paid time off while on VESSA leave shall continue to accrue benefit time. Employees not utilizing accrued paid time off while on VESSA leave shall not accrue benefit time, unless otherwise provided by an applicable collective bargaining agreement.
- f. VESSA leave runs concurrently with FMLA leave when the reason for VESSA leave also qualifies as an FMLA event, such as a serious health condition. As such, employees may be required to use accrued paid time while on FMLA leave.
- g. If the VESSA leave is taken for reasons other than an FMLA qualifying event, the 12-week VESSA leave entitlement is in addition to the 12-week FMLA entitlement.

4. REQUIREMENTS

Failure to meet the following requirements may result in delay or denial of VESSA leave.

- a. **Notice.** The employee shall notify the BHR Leave Manager at least forty-eight (48) hours in advance of taking VESSA leave unless such notice is not practicable. If such notice is not practicable, then the employee must provide notice of VESSA leave within a reasonable time period.
- b. **Request.** The employee shall designate an absence in the Cook County Time and Attendance (CCT) System as VESSA related or submit a completed VESSA Leave Request Form to the BHR Leave Coordinator, in order to request VESSA leave.
- c. **Certification.** The employee shall provide certification to the BHR Leave Coordinator indicating that: (i) the employee or the employee's household or family member is a victim of domestic, sexual or gender violence, or any other crime of violence; and (ii) the leave is for one or more of the permissible basis enumerated in Section J(2) above. An employee may satisfy the certification requirement by providing a sworn statement of the employee. Failure to provide proper certification may result in delay or denial of leave.



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d. **Supporting Documentation.** If the employee has possession of such documentation, the employee shall provide one of the following documents corroborating the need for VESSA leave through the CCT System or to the BHR Leave Manager:

- i. Documentation from a victim services organization, attorney, member of the clergy, health care provider, or other professional from whom assistance has been sought;
- ii. A police report;
- iii. A court order of protection/record; or,
- iv. Other relevant, written evidence.

The employee shall choose which document to submit and will not be required to submit more than one document during the same 12-month period leave is requested or taken if the reason for leave is related to the same incident or incidents of violence or the same perpetrator or perpetrators of the violence.

Failure to provide proper documentation may result in delay or denial of leave.

e. **Approval.** The VESSA leave request will be pending until approved (or denied) by the BHR Leave Manager.

5. RETURN TO WORK

- a. Following a return from VESSA leave, the employee will be reinstated to their former position or an equivalent position with the same pay, benefits, and conditions of employment, unless the employee is unable to perform the essential functions of their former job with or without reasonable accommodation as required by law.
- b. An employee seeking additional leave time beyond the twelve (12) week period allowed under VESSA shall submit a request to the BHR Leave Coordinator to obtain some other form of leave, such as a personal leave of absence or medical leave, if eligible, in accordance with the applicable policies and procedures.
- c. If an employee does not return to work when the VESSA leave expires and has not been approved for an additional leave of absence or other reasonable accommodation as required by law, employment may be terminated in accordance with the Cook County Personnel Rules.



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K. POLICY AND PROCEDURES – VESSA REASONABLE ACCOMMODATION

1. With respect to the terms, conditions, or privileges of employment, Cook County provides reasonable accommodations to the known limitations resulting from circumstances relating to being, or having a family or household member that is, a victim of domestic, sexual or gender violence, or any other crime of violence.
2. An employee seeking a reasonable accommodation pursuant to VESSA shall submit a request using the VESSA Reasonable Accommodation Request Form detailing the specific reason(s) for an accommodation, and supporting documentation, to the County's Equal Employment Opportunity ("EEO") Officer. Such request for a reasonable accommodation shall be made promptly. Any exigent circumstances or danger facing the employee or his or her family or household member shall be considered in determining whether the accommodation is reasonable.
3. An employee has an affirmative obligation to assist and work with the EEO Officer in determining, if reasonable, an appropriate accommodation pursuant to VESSA that does not pose an undue burden on the County.

L. RESOURCES

General information concerning domestic, sexual or gender violence, or any other crime of violence and available resources may be obtained by contacting the County's Employee Assistance Program ("EAP") or respective Personal Support Program.

M. CONFIDENTIALITY

All information submitted to BHR, including the statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained VESSA leave or an accommodation, shall be retained in the strictest confidence, except to the extent that disclosure is: (1) requested or consented to in writing by the employee; or (2) otherwise required by applicable federal or State law.